



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/585,104

06/30/2006

Seiji Hirakawa

1033413-000014

6062

21839 7590 10/16/2008
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

KERSHTEYN, IGOR

ART UNIT

PAPER NUMBER

3745

NOTIFICATION DATE

DELIVERY MODE

10/16/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No.	Applicant(s)	
	10/585,104	HIRAKAWA ET AL.	
	Examiner	Art Unit	
	Igor Kershteyn	3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/30/06, 9/20/06, 5/18/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it contains more than 150 words and contains more than one paragraph. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

the section that describes the summary of the invention is missing.

Appropriate correction is required.

Claim Objections

Claim 1 is objected to because of the following informalities:

In line 10, "is" should be changed to --are--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, in line 4-6, recites "a projection which is arranged at the leading end on the downstream side of a gas stream flowing along a surface of the stabilizer opposing

the impeller and protrudes toward the impeller so as to define the shortest distance to the impeller ; and a plurality of concave portions or convex portions which is arranged on the upstream side of the projection so as to disturb the gas stream flowing along the opposing surface” which is indefinite because it is unclear on which part the projection and a plurality of concave and convex portions are arranged. The Examiner assumes that the projection is arranged on the stabilizer as described in the specification and drawings.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 6, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan Patent No. 3-111694.

In figures 1-5, '694 teaches an air conditioner comprising: an impeller 3 including a cylindrical fan body extending in a rotational axis direction; a casing 1,2 and a stabilizer 6 which are arranged with the impeller therebetween for guiding a gas from an inlet to an outlet; a projection (not numbered) which is arranged at the leading end on the downstream side of a gas stream flowing along a surface of the stabilizer opposing the impeller and protrudes toward the impeller so as to define the shortest distance to the impeller; and a plurality of concave portions or convex portions 7 which are

arranged on the upstream side of the projection so as to disturb the gas stream flowing along the opposing surface, wherein positions of the concave portions or the convex portions are arranged apart in the rotational axis direction of the impeller, and plurality of projections 5 arranged on a surface of the casing 1,2 opposing the impeller so as to disturb a gas stream flowing along the opposing surface, wherein positions of the projections are arranged apart in the rotational axis direction of the impeller.

The parts of the preamble in claims 1 and 5 reciting “air conditioner” are not considered as limitations of the respective claims, and the claims that are dependent on the above claims, because bodies of the claims 1 and 5 do not directly include the structure of the “air conditioner”. See MPEP 2111.02 [R-2] PREAMBLE STATEMENTS RECITING PUR-POSE OR INTENDED USE.

Allowable Subject Matter

Claims 4, 7, 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of four patents.

Shinobu et al. (5,197,850) is cited to show a fan having an impeller, a casing and a stabilizer but fails to teach a projection and a plurality of convex/concave portions on the stabilizer.

Bushnell (6,050,773) is cited to show a fan having an impeller, a casing and a stabilizer having a projection but fails to teach a plurality of convex/concave portions on the stabilizer.

Ikeda et al. (6,692,223) is cited to show a fan having an impeller, a casing and a stabilizer having a projection but fails to teach a plurality of convex/concave portions on the stabilizer.

Japan Patent Publication 05-172085 is cited to show a fan having an impeller, a casing and a stabilizer having a projection but fails to teach a plurality of convex/concave portions on the stabilizer.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is 571-273-8300.

Art Unit: 3745

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

/Igor Kershteyn/
Primary Examiner, Art Unit 3745